

107TH CONGRESS  
2D SESSION

# S. 2791

To provide budget discipline and enforcement for fiscal year 2003 and beyond.

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## IN THE SENATE OF THE UNITED STATES

JULY 25, 2002

Mr. DOMENICI (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

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## A BILL

To provide budget discipline and enforcement for fiscal year  
2003 and beyond.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BUDGET DISCIPLINE AND ENFORCEMENT FOR**  
4 **FISCAL YEAR 2003.**

5 (a) STATUTORY DISCRETIONARY SPENDING LIM-  
6 ITS.—

7 (1) IN GENERAL.—Section 251(c) of the Bal-  
8 anced Budget and Emergency Deficit Control Act of

1 1985 (2 U.S.C. 901(c)) is amended by striking para-  
 2 graph (7) and inserting the following:

3 “(7) with respect to fiscal year 2003—

4 “(A) for the nondefense discretionary cat-  
 5 egory: \$373,410,000,000 in new budget author-  
 6 ity and \$372,224,000,000 in outlays;

7 “(B) for the defense discretionary cat-  
 8 egory: \$392,757,000,000 in new budget author-  
 9 ity and \$380,228,000,000 in outlays;

10 “(C) for the highway category:  
 11 \$28,922,000,000 in outlays;

12 “(D) for the mass transit category:  
 13 \$6,030,000,000 in outlays; and

14 “(E) for the conservation spending cat-  
 15 egory: \$1,922,000,000 in new budget authority  
 16 and \$1,872,000,000 in outlays;”.

17 (2) SPECIAL RULE.—Section 250(c)(4)(D)(ii) of  
 18 the Balanced Budget and Emergency Deficit Control  
 19 Act of 1985 (2 U.S.C. 900(c)(4)(D)(i)) is amended  
 20 by adding at the end the following: “Any budget au-  
 21 thority for the mass transit category shall be consid-  
 22 ered nondefense category budget authority or discre-  
 23 tionary category budget authority.”.

24 (b) REPEAL OF OBSOLETE PROVISIONS.—

1 (1) CONGRESSIONAL BUDGET ACT OF 1974.—  
 2 Section 314(b) of the Congressional Budget Act of  
 3 1974 is amended—

4 (A) by striking paragraphs (2) through  
 5 (5); and

6 (B) by redesignating paragraph (6) as  
 7 paragraph (2).

8 (2) BALANCED BUDGET AND EMERGENCY DEF-  
 9 ICIT CONTROL ACT OF 1985.—Section 251(b)(2) of  
 10 the Balanced Budget and Emergency Deficit Control  
 11 Act of 1985 is amended—

12 (A) by striking subparagraphs (C) through  
 13 (F); and

14 (B) by redesignating subparagraph (G) as  
 15 subparagraph (C).

16 (c) CONFORMING AMENDMENTS.—Section 254 of the  
 17 Balanced Budget and Emergency Deficit Control Act of  
 18 1985 is amended—

19 (1) in subsection (c)(2), by striking “2002”  
 20 each time it appears and inserting “2003”; and

21 (2) in subsection (f)(2)(A), by striking “2002”  
 22 each time it appears and inserting “2003”.

23 **SEC. 2. ENFORCEMENT EXTENSIONS.**

24 (a) EXTENSION OF BUDGET ENFORCEMENT ACT  
 25 PROVISIONS.—

1           (1) IN GENERAL.—Section 275(b) of the Bal-  
 2           anced Budget and Emergency Deficit Control Act of  
 3           1985 (2 U.S.C. 900 note) is amended to read as fol-  
 4           lows:

5           “(b) EXPIRATION.—

6           “(1) IN GENERAL.—Except as provided in para-  
 7           graph (2), sections 251 and 258B of this Act and  
 8           sections 1105(f) and 1106(c) of title 31, United  
 9           States Code, shall expire September 30, 2007. The  
 10          remaining sections of part C of this title shall expire  
 11          on September 30, 2011.”.

12          “(2) EXCEPTION FOR ON-BUDGET SUR-  
 13          PLUSES.—If prior to September 30, 2007, the Final  
 14          Monthly Treasury Statement for any of the fiscal  
 15          years 2002 through 2006 reports an on-budget sur-  
 16          plus, section 252 shall expire at the end of the fol-  
 17          lowing fiscal year and the President, in the next  
 18          budget, shall submit to Congress a recommendation  
 19          for pay-as-you-go enforcement procedures that the  
 20          President believes are appropriate when there is an  
 21          on-budget surplus.”.

22          (2) CONFORMING AMENDMENT.—Subsections  
 23          (a) and (b)(1) of section 252 of the Balanced Budg-  
 24          et and Emergency Deficit Control Act of 1985 is

1       amended by striking “2002” each place it appears  
2       and inserting “2007”.

3       (b) EXTENSION OF SUPERMAJORITY DISCIPLINE IN  
4 THE SENATE.—Section 904(e) of the Congressional Budg-  
5 et Act of 1974 is amended by striking “2002” and insert-  
6 ing “2007”.

7 **SEC. 3. SENATE ENFORCEMENT.**

8       (a) ALLOCATIONS TO THE COMMITTEE ON APPRO-  
9 PRIATIONS OF THE SENATE.—Upon the enactment of this  
10 Act, the Chairman of the Committee on the Budget of the  
11 Senate shall file allocations to the committee on Appro-  
12 priations of the Senate consistent with this Act pursuant  
13 to section 302(a) of the Congressional Budget Act of  
14 1974.

15       (b) RESTRICTIONS ON ADVANCE APPROPRIATIONS IN  
16 THE SENATE.—

17               (1) IN GENERAL.—Except as provided in para-  
18 graph (2), it shall not be in order in the Senate to  
19 consider any reported bill or joint resolution, or  
20 amendment thereto or conference report thereon,  
21 that would provide an advance appropriation.

22               (2) EXCEPTION.—An advance appropriation  
23 may be provided—

24                       (A) for fiscal year 2004 for programs,  
25                       projects, activities, or accounts identified in the

1 joint explanatory statement of managers accom-  
 2 panying this Act under the heading “Accounts  
 3 Identified for Advance Appropriations” in an  
 4 aggregate amount not to exceed  
 5 \$23,159,000,000 of new budget authority; and

6 (B) for the Corporation for Public Broad-  
 7 casting.

8 (3) APPLICATION OF POINT OF ORDER IN THE  
 9 SENATE.—

10 (A) WAIVER AND APPEAL.—In the Senate,  
 11 paragraph (1) may be waived or suspended in  
 12 the Senate only by an affirmative vote of three-  
 13 fifths of the Members, duly chosen and sworn.  
 14 An affirmative vote of three-fifths of the Mem-  
 15 bers of the Senate, duly chosen and sworn, shall  
 16 be required in the Senate to sustain an appeal  
 17 of the ruling of the Chair on a point of order  
 18 raised under paragraph (1).

19 (B) FORM OF THE POINT OF ORDER.—A  
 20 point of order under paragraph (1) may be  
 21 raised by a Senator as provided in section  
 22 313(e) of the Congressional Budget Act of  
 23 1974.

24 (C) CONFERENCE REPORTS.—If a point of  
 25 order is sustained under paragraph (1) against

1           a conference report in the Senate, the report  
2           shall be disposed of as provided in section  
3           313(d) of the Congressional Budget Act of  
4           1974.

5           (4) DEFINITION.—In this subsection, the term  
6           “advance appropriation” means any discretionary  
7           new budget authority in a bill or joint resolution  
8           making general appropriations or continuing appro-  
9           priations for fiscal year 2003 that first becomes  
10          available for any fiscal year after 2003.

11          (c) PROHIBITION ON DIVERTING CRIME VICTIMS  
12          FUND.—

13           (1) PURPOSE.—The purpose of this subsection  
14           is to ensure that amounts deposited in the Crime  
15           Victims Fund are distributed in a timely manner to  
16           assist victims of crime as intended by current law  
17           and are not diverted to offset increased spending  
18           when such offset devices produce no permanent  
19           budgetary or economic effects.

20           (2) BUDGETARY RULE.—For purposes of points  
21           of order under the Congressional Budget Act of  
22           1974 with respect to fiscal year 2003 and any subse-  
23           quent fiscal year, any reduction in spending in the  
24           Crime Victims’ Fund (15–5041–0–2–754) enacted

1 in appropriations legislation shall not be scored as  
 2 discretionary savings.

3 (d) PAY-AS-YOU-GO POINT OF ORDER IN THE SEN-  
 4 ATE.—

5 (1) PURPOSE.—The Senate declares that it is  
 6 essential to continue the pay-as-you-go enforcement  
 7 system.

8 (2) POINT OF ORDER.—

9 (A) IN GENERAL.—It shall not be in order  
 10 in the Senate to consider any direct spending or  
 11 revenue legislation that would cause or increase  
 12 the on-budget deficit for any 1 of the 3 applica-  
 13 ble time periods as measured in subparagraphs  
 14 (E) and (F).

15 (B) APPLICABLE TIME PERIODS.—For  
 16 purposes of this subsection the term “applicable  
 17 time period” means any 1 of the 3 following pe-  
 18 riods:

19 (i) The budget year.

20 (ii) The period of the budget year and  
 21 the following 4 fiscal years.

22 (iii) The period of the 5 fiscal years  
 23 following the 5 fiscal years described in  
 24 clause (ii).

1 (C) DIRECT-SPENDING LEGISLATION.—For  
2 purposes of this subsection and except as pro-  
3 vided in subparagraph (D), the term “direct-  
4 spending legislation” means any bill, joint reso-  
5 lution, amendment, motion, or conference re-  
6 port that affects direct spending as that term is  
7 defined by and interpreted for purposes of the  
8 Balanced Budget and Emergency Deficit Con-  
9 trol Act of 1985.

10 (D) EXCLUSION.—The terms “direct-  
11 spending legislation” and “revenue legislation”  
12 do not include—

13 (i) any concurrent resolution on the  
14 budget; or

15 (ii) any provision of legislation that  
16 affects the full funding of, and continu-  
17 ation of, the deposit insurance guarantee  
18 commitment in effect on the date of enact-  
19 ment of the Budget Enforcement Act of  
20 1990.

21 (E) BASELINE.—Estimates prepared pur-  
22 suant to this subsection shall—

23 (i) use the baseline used for the most  
24 recently adopted concurrent resolution on  
25 the budget; and

1                   (ii) be calculated under the require-  
2                   ments of subsections (b) through (d) of  
3                   section 257 of the Balanced Budget and  
4                   Emergency Deficit Control Act of 1985 for  
5                   fiscal years beyond those covered by sub-  
6                   paragraph (B).

7                   (F) PRIOR SURPLUS.—If direct spending  
8                   or revenue legislation causes or increases the  
9                   on-budget deficit when taken individually, then  
10                  it must also cause or increase the on-budget  
11                  deficit when taken together with all direct  
12                  spending and revenue legislation enacted since  
13                  the beginning of the calendar year not ac-  
14                  counted for in the baseline under subparagraph  
15                  (E)(i), except that direct spending or revenue  
16                  effects resulting in net deficit reduction enacted  
17                  pursuant to reconciliation instructions since the  
18                  beginning of that same calendar year shall not  
19                  be available.

20               (3) WAIVER.—This subsection may be waived  
21               or suspended in the Senate only by the affirmative  
22               vote of three-fifths of the Members, duly chosen and  
23               sworn.

24               (4) APPEALS.—Appeals in the Senate from the  
25               decisions of the Chair relating to any provision of

1       this subsection shall be limited to 1 hour, to be  
2       equally divided between, and controlled by, the ap-  
3       pellant and the manager of the bill or joint resolu-  
4       tion, as the case may be. An affirmative vote of  
5       three-fifths of the Members of the Senate, duly cho-  
6       sen and sworn, shall be required in the Senate to  
7       sustain an appeal of the ruling of the Chair on a  
8       point of order raised under this subsection.

9               (5) DETERMINATION OF BUDGET LEVELS.—

10       For purposes of this subsection, the levels of new  
11       budget authority, outlays, and revenues for a fiscal  
12       year shall be determined on the basis of estimates  
13       made by the Committee on the Budget of the Sen-  
14       ate.

15       (e) EXERCISE OF RULEMAKING POWERS.—The Sen-  
16       ate adopts the provisions of this section—

17               (1) as an exercise of the rulemaking power of  
18       the Senate and as such they shall be considered as  
19       part of the rules of the Senate, and such rules shall  
20       supersede other rules only to the extent that they  
21       are inconsistent therewith; and

22               (2) with full recognition of the constitutional  
23       right of the Senate to change those rules at any  
24       time, in the same manner, and to the same extent  
25       as in the case of any other rule of the Senate.

1 (f) ADDITIONAL ENFORCEMENT.—Section 205(g) of  
 2 H. Con. Res. 290 (106th Congress) is repealed.

3 **SEC. 4. REPEAL OF OBSOLETE PROVISIONS.**

4 (a) IN GENERAL.—Section 253 of the Balanced  
 5 Budget and Emergency Deficit Control Act of 1985 is re-  
 6 pealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) CONGRESSIONAL BUDGET AND IMPOUND-  
 9 MENT CONTROL ACT OF 1974.—Section 312 of the  
 10 Congressional Budget and Impoundment Control  
 11 Act of 1974 is amended—

12 (A) by repealing subsection (c); and

13 (B) by redesignating subsections (d)  
 14 through (f) as subsections (c) through (e).

15 (2) BALANCED BUDGET AND EMERGENCY DEF-  
 16 ICIT CONTROL ACT OF 1985.—The Balanced Budget  
 17 and Emergency Deficit Control Act of 1985 is  
 18 amended—

19 (A) in section 251(a)(1), by striking “and  
 20 section 253”; and

21 (B) in section 252(b)—

22 (i) in paragraph (1), by striking “or  
 23 section 253”; and

- 1 (ii) in paragraph (2)(B), by striking
- 2 “or section 253”.

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